

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Gary Wise, #285074,)	
)	Civil Action No. 6:05-0008-HFF-WMC
Plaintiff,)	
)	<u>REPORT OF MAGISTRATE JUDGE</u>
vs.)	
)	
South Carolina Department of)	
Corrections; Warden Michael Sheedy;)	
Mailroom Clerk, Mr. Icke's; Principal,)	
Mr. Bagnal; IGC; Mr. Rainwater;)	
Teacher, Ms. Ham; Major Blackwell,)	
Captain Hester, Sgt. Gardenour;)	
Librarian, Holladay,)	
)	
Defendants.)	
_____)	

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On June 16, 2005, the plaintiff filed a "Motion for Leave" to exhaust his administrative remedies. The court construes this as a motion to dismiss without prejudice. The defendants filed a return to the motion on June 21, 2005, stating that while they do not oppose a dismissal without prejudice so the plaintiff can pursue his administrative remedies, they do not waive any rights and defenses available to them.

Wherefore, it is recommended that the plaintiff's motion to dismiss without prejudice is granted.

s/William M. Catoe
United States Magistrate Judge

June 22, 2005

Greenville, South Carolina